

MAY 16 2011

Ms. Judith Wright-Bird, Chairperson
Sahtu Land Use Planning Board
Box 235
FORT GOOD HOPE NT XOE OHO

Dear Ms Judith Wright-Bird:

Please find attached the Government of the Northwest Territories' (GNWT) response to the May 5th, 2011 request by the Sahtu Land Use Planning Board (the Board) to provide them with any written comments that the GNWT has made on revisions to the Gwich'in Land Use Plan (GLUP).

The GNWT recognises that there could be benefits to maintaining consistency between regions, but we do caution the Board that we view the GLUP very differently than the Sahtu Land Use Plan (SLUP). Most importantly, the GLUP only has specific conditions for projects depending on whether the project is located in a Special Management Zone, Conservation Zone or Heritage Conservation Zone. Clearly, this is not the same as a broad Conformity Requirement (CR) approach employed by the draft SLUP.

Like the SLUP, we do acknowledge that the GLUP also has Action Items located in an Action Plan. However, the Action Plan does not contain words such as "shall, will or ensure" but are worded largely only as recommendations and they are NOT legally binding.

The GNWT believes given the overarching differences as to how the two plans are constructed it would make it difficult to make comparisons. However, should the Board adopt a GLUP model and drop all the CRs in favour of non legally binding recommendations, the GNWT would be supportive of this approach.

.../2



If you require any further information, please contact Joel Holder Manager, Lands at (867) 920-3485 or joel_holder@gov.nt.ca.


Sincerely,

A handwritten signature in black ink, appearing to read 'M. Warren', enclosed within a large, loopy circular flourish.

Mark Warren
Assistant Deputy Minister

AUG 04 2010

Mr. Bob Simpson
Chair, Gwich'in Land Use Planning Board
BOX 2478
INUUVIK NT X0E 0T0

Dear Mr.  Simpson:

Government of the Northwest Territories
Review Comments on Revised Gwich'in Land Use Plan

The Department of Environment and Natural Resources (ENR), on behalf of the Government of the Northwest Territories (GNWT), would like to congratulate the Gwich'in Land Use Planning Board on the completion of the draft revised Gwich'in Land Use Plan as provided for in Section 50 of the Mackenzie Valley Resource Management Act.

Please find attached the GNWT's comments and suggestions for further revisions to the current draft.

Staff of the GNWT is available to assist the Gwich'in Land Use Planning Board should you wish to clarify or require additional information on the points raised. Please contact Mr. Joel Holder, Manager, Lands at (867) 920-3485, in these regards.

Sincerely,



Gary A. Bohnet
Deputy Minister

Attachment

- c. Mr. Joel Holder, Manager, Lands
ENR



**DRAFT GWICH'IN LAND USE PLAN
REVISIONS – APRIL 2010
GNWT REVIEW COMMENTS**

1.4 Principles

In lieu of more or better information, the precautionary principle is advocated by the GNWT. In the recently released NWT Water Stewardship Strategy (Strategy) ([http://www.enr.gov.nt.ca/live/documents/documentManagerUpload/NWT Water Stewardship Strategy.pdf](http://www.enr.gov.nt.ca/live/documents/documentManagerUpload/NWT%20Water%20Stewardship%20Strategy.pdf)), this principle is captured in some statements about a principle on “knowledge”; you may wish to consider aspects of these principles found on page 11 of the Strategy in relation to the draft Gwich'in Land Use Plan (GLUP). This concept arises for instance in the case of Woodland Caribou. Woodland Caribou are a particular value of interest in Special Management Zones (SMZ) Cardinal Lakes SMZ and Lakes around Travaillant Lake SMZ (sections 4.5.11 and 4.5.12). Woodland Caribou (Boreal population) have a status of “threatened” under the federal Species at Risk Act and COSEWIC ([http://www.enr.gov.nt.ca/live/pages/wpPages/Species at Risk.aspx](http://www.enr.gov.nt.ca/live/pages/wpPages/Species%20at%20Risk.aspx)). In the NWT they are known to be sensitive to development. With this in mind, it would be prudent to apply a “precautionary principle” until a boreal caribou management plan is developed. This could be done by setting general conditions in the regional land use plan to protect the species and their habitat as much as possible. Such conditions would flag that particular attention must be paid to Woodland Caribou until such time as a future boreal caribou management plan further directs human actions. Please see “New GNWT Legislation” and “Wildlife General Comments” below.

2.1.2 People

Update text to include 2009 population of Aklavik, Inuvik, Fort McPherson and Tsiigehtchic – See attached data.

Section 2.1.3 Economy

Update Figure 5 with 2008 data – See attached data.

Update Figure 6 and corresponding text with 2009 data – See attached data.

Update Figure 7 and corresponding text with 2007 income data – See attached data.

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Update reference 5 to “GNWT Bureau of Statistics 2009 population estimates.”

Update reference 9 to “NWT Bureau of Statistics, 2009 Community Survey.”

Update reference 10 to “NWT Bureau of Statistics”

Updated Data for Gwich'in Land Use Plan

	NWT	Aklavik	Fort McPherson	Inuvik	Tsiigehtchic
Population					
2009	43,439	645	791	3,586	136
Traditional Activities in 2008					
% who Hunted & Fished in 2008	39.4	53.7	46.6	40.8	42.9
% who Trapped in 2008	6.2	18.3	11.6	7.9	12.2
% of Households where Country Food is primary meet in 2008	15.4	24.1	38.4	12.7	50.8
% of who Produced Northern Arts & Crafts in 2008	8.7	16.1	14.5	10.6	13.3
Labour Force					
2009 Unemployment Rate	10.3	32.3	45.6	10.1	26.0
2009 Employment Rate	75.1	53.5	62.7	79.1	51.0
2007 Average Personal Income	51,072	27,474	34,020	49,810	..

Note: “..” means data is not available

2.1.4 “The Land” As the Environment

The GNWT has worked with others to more fully outline and describe NWT ecoregions. The ecoregions described in Figure 8 do not reflect these new ecoregions as described in the Taiga Plains or Cordillera reports (*Ecological Regions of the Northwest Territories Taiga Plains* and *Ecological Regions of the Northwest Territories – Cordillera*, respectively)

(http://forestmanagement.enr.gov.nt.ca/forest_resources/eco_land_classification/index.html). The ecoregions in Figure 8 are still based on the 1996 NWT Classification Framework.

Given the above, it is not clear that all the ecoregions described in the Taiga Plains and Cordillera reports have representative protection in the Gwich'in Settlement Area.

3.1.3 Municipal Lands

Municipal lands are lands held in fee simple title by a municipality and are not managed by Municipal and Community Affairs. In short, the municipality owns “municipal lands”.

It is suggested that there be a separate definition provided for Commissioner's lands as these are distinctly different from “municipal lands”. Along with the definition should be the clarification that Commissioner's lands are not exclusively located inside community boundaries. Commissioners lands located outside of a community boundary are subject to the provisions of the GLUP just as any other type of land would be.

6.2.10 Land Use Issue 10 – Legislated protected Areas

Original:

The secretariat for the Northwest Territories Protected Areas Strategy describes a protected area as, “a piece of land where a specific law limits the amount and type of human activity allowed.” Under the strategy, the purpose of a protected area is to recognize specific natural and cultural values or to preserve areas representative of each ecoregion.

Suggested re-wording:

The definition of protected area used by the PAS is that of the International Union for the Conservation of Nature (IUCN): *An area of land or sea especially dedicated to the protection and maintenance of biological diversity, and its associated natural and cultural resources, managed through legal or other effective means.* Under the strategy, the purpose of a protected area is to recognize specific natural and cultural values and to preserve areas representative of each ecoregion.

6.2.10 Land Use Issue 10 – Legislated Protected Areas

No specific reference to Critical Wildlife Areas is made. Critical Wildlife Areas would appear to fit as an example of a legislated protected area.

6.3.2 Baseline Studies and Long Term Monitoring

Issues pertaining to Cumulative Effects are not well developed. The only clear reference to cumulative effects is in Section 6.3. It was not apparent how cumulative effects would be addressed in the context of land use planning for the Gwich'in region. The GNWT is prepared to discuss this matter further with the Gwich'in Land Use Planning Board, the Gwich'in Renewable Resource Board (GRRB), the Gwich'in Tribal Council and Indian and Northern Affairs Canada in order to find a manner to address cumulative effects consistently.

New GNWT Legislation

The *Species at Risk (NWT) Act* came into force February 1st, 2010. The *Species at Risk (NWT) Act* identifies, protects and recovers species at risk in the NWT. The Act applies to any wild animal, plant or other species managed by the GNWT. It applies everywhere in the NWT, on both public and private lands, including private lands owned under a land claims agreement. The *Species at Risk (NWT) Act* establishes the mechanisms to assess species status at the territorial level -- which could differ from the national level -- identify the threats facing the species in the NWT, and identify what actions are necessary to protect, conserve and recover that species.

Please make reference to the new *Species at Risk (NWT) Act* in the draft revised plan.

Wildlife General Comments

In some areas of the document, conditions for specific species seem to be quite detailed where in other areas species of value are identified without detailed conditions to address these. Also, in certain zones a listing of specific species are documented as being Sensitive or of Special Concern under COSEWIC but this list does not include all COSEWIC species in the zone.

In an effort to avoid the plan becoming out dated about if a species resides within a zone, its current COSEWIC status, and if the plan has identified all species in that zone, it is suggested that the Planning Board include a general condition for all zones that proponents contact the Department of Environment and Natural Resources before applying to obtain a complete, current listing of COSEWIC species that could be in the vicinity of the proposed project area as well as suggestion of possible mitigative measures to protect those species. Dialogue with the GRRB could be promoted in these regards as well.

More specifically:

- There is no mention in the document of conditions for wolverines, although they are a species of Special Concern under COSEWIC and are considered Sensitive under NWT SARA. There is no mention in the document of conditions for Fisher, although they are also considered Sensitive under NWT SARA. Both wolverine and fisher are identified in the document as occurring in the Gwich'in Settlement Area.
- There is a lack of specificity in the conditions for mammals, which is in contrast to some of the more detailed conditions for species like Peregrine Falcons. It seems inconsistent to be general for some species and specific for others.